



REGULAR MEETING MINUTES

for

**Wednesday, September 12, 2007
5:30 P.M. – Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 P.M.

Case Review Roll Call

Brewer	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	VACANT
✓	✓	A	✓	✓	✓	✓	✓	X

✓ = Present A = Absent

Staff Present: Kevin Rogan, CPRC Manager
Mario Lara, Interim CPRC Manager
Phoebe Sherron, Sr. Office Specialist

Public Comments

Mr. Roger Brown spoke to the Commission regarding his case.

Closed Session - Case Review

Pursuant to Government Code Section 54957, the Commission will adjourn to Closed Session to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	06-079	PC-06-12069
2)	07-001	PC-07-01001
3)	07-022	PC-07-04030

OPEN SESSION – 5:30 P.M.

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

Pledge of Allegiance / Roll Call

Brewer	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	VACANT
✓	✓	A	✓	✓	✓	✓	✓	X

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Staff Present: Kevin Rogan, CPRC Manager
Phoebe Sherron, Sr. Office Specialist

Public Comment

Steven Simpson

Mr. Simpson, referring to a document he distributed at the August 22nd meeting, said it is critical that the Commission's executive director work at the pleasure of the Commission, not the City Council or the City Manager. Mr. Simpson also noted that the Commission must be independent of the 7th Floor. He said that one can't assume that the people in those positions will serve the purpose of the Commission.

Commissioner Brandriff asked about the removal from the CPRC's agenda of an item regarding independent counsel. He also asked if the City Attorney had any recollection regarding that issue.

Chairman Percy asked that these comments be held until Commissioner Comment.

Mary Shelton

Ms. Shelton said she was confused about why an agenda item regarding independent counsel would not be allowed on the Commission agenda. She also said she was baffled by the fact that the item couldn't be discussed as the Commission had independent counsel when a subpoena was issued in connection with the Stokes OID. She said the Commission won't get far unless there's more support from the 7th Floor. Ms. Shelton said she agrees with Mr. Simpson's points and would like to see further discussion on this item.

DeWayne Mortensen

Mr. Mortensen spoke to the Commission regarding an incident at his home to which RPD officers responded and which resulted in Mr. Mortensen's wife being transported to a local hospital. Mr. Mortensen advised that he has filed a complaint.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) August Regular Meeting	Brewer	Ward	5	0	2

Staff Report

Mr. Rogan advised the Commission the Cloud and Hill OID casebooks have been received. Mr. Rogan also noted that he is in preliminary discussions with Baker Street Group, but will be looking at alternatives as there's been a price increase.

Committee Reports

A) Outreach Committee: Sheri Corral, Chair

The Committee did not meet; will set date for next meeting.

B) Policies & Procedure Review Committee: Chair – VACANT

There was no report – Chair position vacant

Appointment of Policies & Procedures Review Committee Chair

Chairman Percy announced that Commissioner Brewer had accepted the appointment of Policies and Procedures Review Committee.

Brown Officer-Involved Death Case – Continuing

A) RPD Taser Training / Policy – RPD Representative

Assistant Chief John DeLaRosa introduced Detective Robert Tipre, who would be conducting the Taser presentation, and Lt. Larry Gonzalez would answer policy / management questions relating to the use of Tasers.

Detective Tipre gave a presentation regarding Tasers and how they work. Commissioners were also able to view and handle both the M-26 and X-26 Tasers.

Lt. Gonzalez began by saying that Taser use is about Level 4 in RPD's Use of Force policy. He also said there is a specific policy regarding Taser use. Lt. Gonzalez said RPD is stricter in its use of Tasers in that it is a violation of RPD policy to tase a passive resister.

Lt. Gonzalez said RPD went to the X-26 Taser because it's newer and much easier for officers to carry on their belts. This encourages the officers to always carry the Taser on their belts rather than leave them in their cars. He said the Department hopes to be at "full deployment" of Tasers by the end of the year. He also noted that, due to the use of Tasers, officer and suspect injuries have decreased across the country. He said that the Riverside Fire Department has also received Taser training because they are responding to more medical aid calls where a Taser has been used.

Commissioner Santore noted that the Tasers come in black and in yellow. He asked why RPD chose black. Lt. Gonzalez said there was no specific reason why they chose black. He said that there are Tasers that also have cameras that provide live video feed. He said he didn't know of any agencies currently using that type of Taser, but said it is something RPD is looking at for the future.

Commissioner Santore asked about Use of Force levels. Lt. Gonzalez gave examples of the different levels. He also asked if cussing is a level of force. Lt. Gonzalez said that "in and of itself, it's a violation of policy to use profanity." He said officers aren't taught that it's okay to cuss in certain situations, but noted that, depending on the situation, administration would look at it "in the spirit of the policy more than the letter of the policy." He said that it is not, however, part of the "use of force continuum."

Chairman Percy asked what other less-than-lethal "tools," aside from the Taser, the Department has available. Lt. Gonzalez said the Department has 12 gauge shotguns that shoot sock rounds and 40 mm gas launchers, which are used by SWAT operators and supervisors.

Chairman Percy asked several questions about RPD training in the use and deployment of Tasers during the cuffing process and what was taught at the time of the Brown OID.

LT. GONZALEZ: Basically, what we're looking for after a Taser deployment is compliance from the suspect. At the time of this shooting and prior to, we would deploy the Taser, the subject usually goes down on the ground. After we stop the Taser, we start giving orders – 'put your hands behind your back... put your hands behind your back... put your hands behind your back...' If they're not doing that but they're not actively resisting, we'll go for an approach to go in and handcuff. If they start to get up and fight again, another deployment could be sent through and that usually – what we've seen so far in the past – does it. One or two at the most. What we won't do is...is...there....continue to tase and tase...tase, which we've been able to avoid for the most part, if we have a full deployment. That means both probes are in and we're getting the desired effect, we'll do it 'til they start complying, go in and handcuff. That's pretty much the training we had before this shooting. It was demonstrated to us before as cuffing under power, which some agencies – LAPD I know is using it. That's the first one that comes to mind, where they will continue a cycle until officers can go and back-mount – basically get on their back – and get control of them and then take the cycle off and try to cuff them after that. So at least they're moving in. We weren't training like that before. It was just deployment. 99% of the time we got compliance right after that. We went in and handcuffed. The cuffing under power came to light for some areas in the country where you had big, big, whacked-out PCP suspects where they needed to keep it on as long as they possibly could 'til they handcuffed them.

CHAIRMAN PERCY: Can a suspect be handcuffed while the Taser is under power?

LT. GONZALEZ: They could. It would probably take a little bit more effort on the officer's behalf because the body usually stiffens up and the thing that we were conscious of before was getting our hands anywhere in between where the two probes were 'cause it's had to tell, especially if you're at night and the subject's wearing large, baggy clothing, whatever it may be, to tell where those probes are in the back and if you catch any part of your body in between those while it's cycling, you'll feel the effect.

CHAIRMAN PERCY: Can an officer be shocked if – or anyone, not just an officer – but can anyone be shocked if one probe makes contact and the other one doesn't?

LT. GONZALEZ: And they're touching the person that has the probe in them?

CHAIRMAN PERCY: I'm gonna ask it... I'll give you the range. What I'd like to answer is, if one probe is hanging loose and one probe is in them and then also, the other question would be one probe, maybe, in two different bodies. And then, also, if one, I think you partially explained it, but if one probe may be hanging loose and it touches someone while they're in the process of cuffing.

LT. GONZALEZ: You could get an effect from the last scenario you gave, if it touches. Generally, if one probe is in the body and one's out and you touch that body, you're not going to get effected.

Now, the other one you said was one probe in one guy, one probe in the other – if those two guys are touching each other, you'll get an effect. It's...we've done demonstrations before where Detective Tipre and I could both take one probe and he takes one probe out of the same Taser, we're standing next to each other – bzzzzt. Nothing happens. Now, once we lock arms, one here and one there, you get the line of electricity and we both fall.

DET. TIPRE: The idea behind that is you need to complete the circuit.

CHAIRMAN PEARCY: With respect to your less-than-lethal munition for bean bag, you've indicated that it is colored orange or has orange paint on the stock or is painted orange. What is your reasoning for that?

LT. GONZALEZ: So the officers can clearly identify the difference between a lethal shotgun and a less-than-lethal shotgun. In fact, they're even carried in the trunk of the cars, so there's no mistake.

Chairman Percy asked to see the X-26 Taser again, noting that it resembles a small-caliber handgun. He asked if there was any specific, operational reason why the Department wasn't doing anything to make Tasers recognizable as less-than-lethal objects. Lt. Gonzalez said he wasn't aware of any reason.

Chairman Percy asked if there was any training at the time of the Brown OID regarding "Taser retention / Taser takeaway." Lt. Gonzalez said there was no formal curriculum, but if it had been brought up in training, it would be similar to weapon retention.

Chairman Percy then used the Taser to demonstrate how a Taser might not be easily visible in certain situations from different distances.

Mary Shelton

Ms. Shelton said she was glad the presentation took place. She said she thought it was important to understand cuffing under power and that it is possible to cuff when the Taser is cycling. She said she is still confused about the issue about the Taser being marked or hidden from members of the public. Ms. Shelton noted that the presentation touched on some questions, but that some of those questions still need to be answered in more detail. She concluded by saying she thought it was a good presentation.

B) Status report on follow-up questions submitted to RPD

Mr. Rogan reported that he had been in contact with Asst. Chief DeLaRosa and that a formal response should be available to the Commission by the next meeting.

Asst. Chief DeLaRosa said he is working on a memo, which should be done in the next day or two.

Chairman Percy said he wanted to make sure the Commission has it by the next special meeting.

Commissioner Ward said that the questions were submitted to RPD by the Commission, but are questions that the community is asking and to which he believes they are entitled to some answers. He said he hopes the memo addresses the questions that are being asked and feels that each question needs to be addressed individually. He said that a failure to answer the questions is basically telling the community that they aren't entitled to those answers.

CPRC 2006 Annual Report

Chairman Percy commented on additions regarding findings comparisons that were proposed at the last meeting.

Mr. Rogan asked the Commission to review the tables showing findings comparisons. He asked that they decide which tables they preferred. Commissioner Brewer said he liked them all and the general consensus was to include them all.

Chairman Percy asked commissioners to contact staff with bio updates or regarding any corrections. He also noted a correction was needed regarding the caption of a picture of Dr. Payne that said he was the Interim Executive Director. Chairman Percy asked that "interim" be removed.

Mr. Rogan advised Chairman Percy that the meeting needed to conclude at 7:00 PM due to the building being x-rayed. He encouraged Chairman Percy to conclude the meeting by 7:00 in the interest of safety.

Mary Shelton

Ms. Shelton commented on the "N /A's" on Pg 17. She also thanked the Commission for including the findings comparisons statistics.

At this time, Chairman Percy reopened Item 4 to allow Ms. Leslie Braden the opportunity to speak.

Leslie Braden

Ms. Braden spoke regarding the officer-involved death of her brother, Joseph Hill. She noted that it has been nearly a year since her brother had been shot. She said that her brother had been proud of receiving his Bachelor's degree from Cal State Dominguez Hills. She also said that she doesn't feel any better even though it has been almost a year since his death. She said the purpose of the Commission is to "aggressively pursue the truth, no matter where it leads you."

Adjournment

The Commission adjourned at 7:07 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist